



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

29 JUN 2004

OFFICE OF
THE REGIONAL ADMINISTRATOR

Herculaneum Today and Tomorrow
P. O. Box 361
Herculaneum, MO 63048

Dear Herculaneum Today and Tomorrow members:

I am writing you this letter in response to specific questions provided in your letter dated April 22, 2004. While much progress has been made in addressing the lead contamination in Herculaneum, response actions have not been completed. I hope my response to your questions will clarify any uncertainty about the Environmental Protection Agency's (EPA) work in your community.

Question 1: What additional measures may be effective at further reducing lead contamination in yards along haul routes?

Answer: To date, EPA has required Doe Run to excavate lead-contaminated surface soil in yards along haul routes where lead concentrations exceed 400 parts per million (ppm). The EPA has also mandated that Doe Run implement best management practices at the smelter which include the installation of a permanent vehicle wash facility, the washing of all vehicles exiting the facility, and cleaning of haul route streets daily. Street cleaning trials on the haul route in Herculaneum determined that pressure washing followed by high suction vacuuming was more effective at reducing lead dust loadings and concentrations than the dry/HEPA vacuum street cleaners currently employed at the site. However, EPA believes that the HEPA street cleaners were adequately effective in cleaning streets and preventing the re-contamination of yards. Current monitoring of surface soils in yards located adjacent to the haul routes has not detected a significant increase in lead concentrations, which would indicate that these measures have been effective in reducing the recontamination of yard soils.

If future monitoring indicates a need to further reduce contamination along haul routes, additional control measures could be implemented at the smelter that would likely reduce fugitive dust emissions. These include creating a negative pressure on operations buildings and enclosing outside materials storage areas with buildings that are also operated under negative air pressure. Other possible actions include the use of alternate transportation routes or the use of railroad.

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Question 2: At what point will the redeposition study be considered "complete"?

Answer: The EPA will be conducting surface soil sampling or overseeing sampling conducted by Doe Run for as long as the smelter is in operation. The EPA believes this sampling is necessary because smelter operations will always pose a potential threat of lead contamination to residential properties located near the smelter. There currently is not enough scientific data to accurately determine the distance from the smelter in which lead redeposition would be a threat, nor is there enough data to accurately calculate redeposition rates. The EPA will periodically evaluate the redeposition data for upward trends. If and when the redeposition data conclusively indicates that recontamination is occurring at a rate that will ultimately present unacceptable risk to human health, EPA will take action to address this circumstance.

Question 3: How will the redeposition data, once complete, be used to determine if re-occupancy of a residence is a risk to human health, i.e. how will an "unacceptable" rate of redeposition be determined?

Answer: The EPA has determined that lead levels exceeding 400 parts per million (ppm) in residential surface soil pose an unacceptable health risk at the Herculaneum site, regardless of whether the lead contamination was historical or recent redeposition. The EPA believes that a repeating cycle of yard recontamination and re-excavation of contaminated soil is an unacceptable solution at this site due to the burden it places on the residents of the community. If redeposition data becomes available that conclusively indicates that properties will be recontaminated from smelter operations, EPA will recommend to the state that residences within the voluntary purchase program zone not be re-occupied.

Question 4: Will data from the redeposition study be used to determine acceptable non-residential land uses?

Answer: EPA does not anticipate that lead redeposition will impact the acceptability of future commercial and industrial land uses with the exception of business that would attract young children for extended periods of time such as parks or daycare and babysitting facilities.

Question 5: What condemnation authorities or other programs exist to acquire non-vacated properties if assembly of large tracts is required for commercial, industrial, or other non-residential use?

Answer: The Superfund law provides EPA with authority to acquire by purchase or condemnation property that cannot otherwise be remediated by other means. This authority is solely available for sites listed on EPA's National Priorities List (NPL) and is used as a last resort to address unacceptable public health risks. See Section 104(j) of the Comprehensive Environmental Response, Compensation, and Liabilities Act.

Question 6: Under what circumstances might these condemnation programs be invoked?

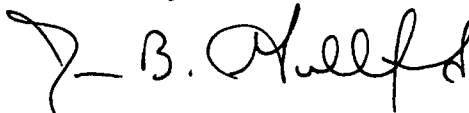
Answer: As stated above, in rare circumstances where remediation of the properties is not a viable option. In addition, the site must be listed on the NPL to invoke these authorities.

Question 7: Are plans in place for reuse or dismantling and restoration of the plant property at such time that Doe Run or a successor owner ceases operations in Herculaneum?

Answer: In the event that the smelter were to close, EPA would work with the facility to address contamination that would be left behind. Should the property owner or operator be unable or unwilling to assess the property, EPA has the authority to conduct the necessary sampling and analysis to determine if the property poses an unacceptable risk. The work would be conducted as part of EPA's standard site assessment protocols as outlined in the National Contingency Plan (40 CFR Section 300.410).

In conclusion, I wish to reiterate that our work is not completed in Herculaneum. However, I am optimistic about the progress that has been made and the work scheduled for the upcoming months. If we may be of any further assistance, please feel free to contact me at 913- 551-7006 or LaTonya Sanders, Congressional Liaison, at 913-551-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Gulliford". The signature is fluid and cursive, with a large initial "J" and a stylized "G" at the end.

James B. Gulliford
Regional Administrator

cc: Gov. Christopher Bond
Steve Mahfood, MDNR

Controlled Correspondence For R7 REGIONAL ADMINISTRATOR

R7

CONTROL NO : R7-0400062

ORIG. DUE DATE: 05/15/2004

FILE CODE: 141-A CONTROLLED AND MAJOR CORRESPONDENCE

STATUS: PENDING

CORRES. DATE: 04/22/2004

RECEIVED DATE: 04/27/2004

ASSIGNED DATE: 04/27/2004

CLOSED DATE:

FROM: HERCULANEUM TODAY & TOMORROW

ORG:

SALUTATION:

CONSTITUENT:

TO: GULLIFORD/JIM

TO ORG: REGIONAL ADMINISTRATOR

SUBJECT: HERCULANEUM REVITALIZATION COMMITTEE REQUEST FOR RESPONSE
TO CONCERNS

ASSIGNED: Superfund Division

COPIES OF INCOMING PROVIDED TO: RA/DRA

SIGNATURE: FOR RA'S SIGNATURE

R7 COMMENTS:

R7 INSTRUCTIONS:

For information contact Debbie Ridgway, RA, 7823

KEEP DOCUMENT IN FOLDER THROUGHOUT PROCESS AND RETURN IT TO
RA'S OFFICE.

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R7 :
Lead	SUPR	04/27/2004	ACTION	-	-



HERCULANEUM

Today & Tomorrow

Jim Guliford
Regional Administrator
U.S Environmental Protection Agency
901 N. 5th Street
Kansas City, KS 66101

April 22, 2004

Dear Mr. Guliford:

The Herculaneum Today and Tomorrow Revitalization Committee was established in 2003 to plan and oversee revitalization efforts to improve the future of Herculaneum. We are comprised of citizens from the community and are incorporated as a nonprofit organization. To complete our work, we are seeking to fully understand all aspects of the environmental remediation of Herculaneum and to gain awareness of other ongoing or planned actions that could influence the future health and growth of Herculaneum.

There is considerable uncertainty in the community surrounding a number of important issues related to cleanup actions, the voluntary buyout program, and development plans for Herculaneum. Many of these issues have been widely discussed in other forums, but not in the context of how they impact future revitalization of the community. We are attempting to coordinate our visioning process with the City's strategic planning process, and a complete understanding of these issues is required to move forward.

The attached paper was developed by the Herculaneum Today and Tomorrow Revitalization Committee to describe the critical issues and information needs identified by our group. We are asking for your response to specific questions highlighted in the paper. The complete set of issues and information needs are being provided to you so that you can understand the full scope of our concerns. We are interested in any information you may offer that you feel is relevant to any of the identified issues. However, the specific questions that we feel require your particular consideration and response are highlighted in bold print.

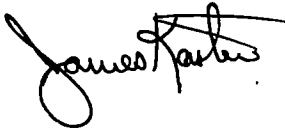
We are currently in the process of planning a Community Visioning workshop for this summer. Please provide your responses by May 15, 2004, to help us conduct a successful and meaningful event. Your responses should be directed to:

Herculaneum Today and Tomorrow
P.O. Box 361
Herculaneum, Missouri, 63048.

Thank you in advance for your attention to this matter. Please feel free to call any member of the steering committee if you should need additional information from us.

Sincerely, the Herculaneum Today and Tomorrow Leadership Group:

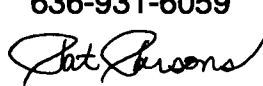
James Kasten
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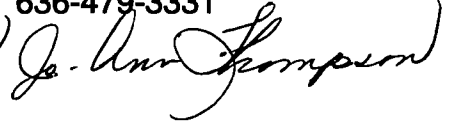
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List of Recipients

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Gov. Bob Holden
Governor of Missouri
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P.O. Box 720
Jefferson City, MO 65102

Mr. Steven M. Mahfood
Director
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Mayor John Chamis
City of Herculaneum
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Herculaneum, MO 63048

Denise Jordan Izaguirre
Agency for Toxic Substances and Disease Registry
Robert J. Dole Federal Courthouse
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Clifton W. Gray
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Herculaneum, MO 63048

CCS:

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U.S. Senator
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Rep. Richard Gephardt
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Atten: Chuck Banks
11140 South Towne Square, Room 201
St. Louis, MO 63123

State Senator Steve Stoll
Missouri State Senate
State Capital Building, Room 429
Jefferson City, MO 65101

State Rep. Mark Abel
Missouri House of Representatives
201 W. Capital Avenue, Room 204
Jefferson City, MO 65101

April 22, 2004

INFORMATION NEEDS FOR COMMUNITY-BASED REVITALIZATION PLANNING

Prepared by:
HERCULANEUM TODAY AND TOMORROW REVITALIZATION PROJECT

Herculaneum Today and Tomorrow has compiled this "white paper" describing critical issues that must be clarified in order to conduct effective visioning and planning for the future of Herculaneum. While the Herculaneum CAG has been working to resolve many of these issues for some time, Herculaneum Today and Tomorrow is focusing on them in the context of revitalization. The questions below are intended to stimulate responses that will enable our community to successfully plan for future revitalization of Herculaneum. We are urging the State of Missouri, the United States Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, the Herculaneum City Government, and the Doe Run Company to respond to the questions below. Your responses will help the planning and visioning effort move forward with the best possible information. Residents who are eligible for a voluntary property purchase are especially in need of this information in order to evaluate their property offers prior to the December 31, 2004, deadline for acceptance.

1. Truck routes through Herculaneum to and from the Doe Run facility.

Description of the Issue

Trucks transporting lead ore concentrate and other materials to and from the Doe Run facility must travel through residential areas of Herculaneum. Lead contamination has historically been higher in yards along these haul routes, affecting both property values and the health and welfare of residents. Under the April, 2002 voluntary property purchase agreement with the state, Doe Run was to propose haul routes for approval by the state and the city. The agreement further stated that Doe Run could propose to revise the haul routes at any time. The state notified Doe Run in December 2002 that it approved the existing haul routes. Doe Run has reportedly not proposed to revise the haul roads since this time. Although no revisions appear to be pending, haul routes could be revised in the future which might impact residents not living along the current haul routes. Trucks also frequently depart from the designated haul routes, posing a hazard to residents throughout the community.

Specific questions that must be answered

- Does the state or city contemplate any future changes to the existing haul routes?
- Are haul routes an issue that needs further consideration?

- How can restricting truck traffic to the designated haul routes be enforced?
- **What additional measures may be effective at further reducing lead contamination in yards along haul routes?**
- Is rail transport of concentrate any longer a possibility?
- What is the future potential for barge transportation of materials into and out of the Herculanum Facility?

2. Future plans for property in the buyout zone.

Description of the Issue

Future land use within the buyout zone is highly uncertain. The settlement agreement allows for reoccupancy when the redeposition studies are complete and the Department of Health and Senior Services, the MDNR, the City and Doe Run agree that reoccupancy of a residence is not a risk to human health. It is still unclear whether reoccupation of any of the homes will eventually be allowed or how vacated properties will be managed over the long-term. The City would be significantly impacted by the permanent loss of up to 160 homes and families. Long-term strategic planning for vacated properties is critical. Homeowners within the buyout zone are unable to make informed decisions regarding the voluntary property purchase without knowing the long-term fate of surrounding properties and what limitations may be imposed on the future use or sale of their property. Homeowners eligible for property purchase offers must be aware of any long-term plans or property constraints within the buyout zone well in advance of the December 31, 2004 deadline to allow adequate time for the property acquisition process to be completed.

Specific questions that must be answered

Regarding Land Use:

- **At what point will the redeposition study be considered “complete”?**
- **How will the redeposition data, once complete, be used to determine if reoccupancy of a residence is a risk to human health, i.e. how will an “unacceptable” rate of redeposition be determined?**
- Will enforceable restrictions be placed on the sale or future use of remaining residential properties where owners decline property purchase offers?
- **Will data from the redeposition study be used to determine acceptable non-residential land uses?**

- If residential occupancy is not allowed for vacated properties, will enforceable land use restrictions be imposed to control non-residential land use?
- **What condemnation authorities or other programs exist to acquire non-vacated properties if assembly of large tracts is required for commercial, industrial, or other non-residential use?**
- **Under what circumstances might these condemnation programs be invoked?**

Regarding the Voluntary Property Purchase Process:

- What are the procedures for developing and extending offers to eligible homeowners, and how is the state monitoring the buyout process?
- What assistance is available to eligible homeowners or Doe Run tenants that are having difficulty locating or qualifying for affordable alternative housing?
- The appeal procedure requires homeowners to submit an appraisal with their Request for Appeal. Can an appraisal from another comparable property be used as the basis of appeal by a homeowner?
- Will the December 31, 2004, deadline for residents to accept their offer be extended in cases where an appeal is underway?
- Under what specific circumstances will exceptions be granted to tenants that desire to remain in their homes? Will distance from the facility be considered?
- Will restrictions be placed on future use of rental properties where tenants are granted exceptions, and how will any such restrictions be enforced?

3. Plans for a New Bridge across Joachim Creek.

Description of the Issue

The existing bridge may be approaching its useful life, is prone to flooding and ensures that all truck traffic to and from the Doe Run facility must pass through residential areas. A new bridge that would route truck traffic away from residential areas has been frequently discussed in recent years, and rumors have circulated that Congressional funding would be made available. However, no definitive plans for a new bridge have emerged. Any plans for a new bridge will significantly impact the future of Herculaneum, particularly within the buyout zone and along haul routes.

Specific questions that must be answered

- What, if any, current planning or funding is in place for a new bridge in Herculaneum?
 - Where is there currently support for building a new bridge at the local, state or federal level?
 - What resources and programs are available to explore planning and construction of a new bridge?
 - How would a new bridge affect the existing haul routes?
 - What actions are needed to advance this issue?
4. Doe Run's long-term plans for the smelter and future use of property owned in Herculaneum.

Description of the Issue

Doe Run owns significant property in Herculaneum including the plant, areas in the buyout zone, the golf course, the little league park, and some undeveloped land. The future use of these properties is important to the future of Herculaneum as a whole. Events at other Doe Run facilities located in Missouri and elsewhere could also impact future operations at the Herculaneum smelter.

Specific questions that must be answered

Regarding Doe Run's Herculaneum Properties:

- What are Doe Run's interests and plans for future use of their Herculaneum properties?
- What factors influence continued use and/or ownership of the plant property by Doe Run?
- **Are plans in place for reuse or dismantling and restoration of the plant property at such time that Doe Run or a successor owner ceases operations in Herculaneum?**

Regarding other Doe Run Operations:

- What mining and milling operations currently supply the lead concentrate to the Herculaneum facility?
- What is the status of any mineral leases, facility permits, and any other authorizations that allow Doe Run to operate or explore for new sources in Missouri, and how are these authorizations renewed?

- What are the expected lives of lead mines operated by Doe Run in Missouri?
- Under current market conditions, would import of lead concentrate to Herculanum represent a financially viable option?
- How does the change in operations at the new Missouri lead belt such as Glover and Viburnum affect operations at Herculanum?
- What are Doe Run's short- and long-term plans for its Missouri mining and smelting operations?
- Are there other operations or industries not operated or controlled by Doe Run that are vital to the continued operation of the Herculanum facility?
- How does the world lead market and overseas operations affect the operation of the Herculanum facility?

5. The City's plans and priorities for growth

Description of the Issue

The city's plans for development will greatly influence revitalization of Herculanum. Herculanum Today and Tomorrow would like to coordinate its planning and visioning activities with those of the city and ultimately with any larger strategic planning activities for the region.

Specific questions that must be answered

- What are the city's priorities for the next five years?
- What are the current revenue sources for the city?
- How are the city's revenues budgeted for coming years?
- Where does the city intend to commit planning and development resources in the next five years?
- What activities are currently ongoing to attract development in the city?
- Does the city plan to annex additional property?
- What are the city's plans for conducting its long-term strategic plan and how can the revitalization project best support this effort?
- How will the eventual closure of the Doe Run facility impact the city?
- How will discussions of a merger with neighboring cities affect Herculanum strategic planning efforts?